

**REMARKS**

Claims 1-68 are the pending claims. Claims 1, 8, 35 and 38 are written in independent form. By this Amendment, claims 1-3, 6-8, 10, 14-17, 20, 24, 26, 28, 30, 32, 35, 37, 38, 40, 43, 46, 49-51, 54, 55, 60 and 66 are amended. No new matter is added.

**I. Allowable Subject Matter:**

Claims 6, 13, 17 and 20 are indicated as being allowable if rewritten in independent form. Claims 6, 13, 17 and 20, as well as the remaining pending claims, are in condition for allowance for the reasons discussed below.

**II. Claim Rejection Under 35 U.S.C. § 112(2<sup>nd</sup>):**

The Examiner rejects claims 1-7, 10-34, 36, 37, 39, 40, 46, 55, 60 and 66 under 35 U.S.C. § 112, second paragraph for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-3 are amended to correct the antecedent basis issues.

Claims 3, 6, 10-14, 16, 17 36, 37 39, 40, etc. are amended to further define the various claimed "modes" as described in the specification. Applicant submits that the "on-state mode" is clear as originally recited as "an on-state mode in which the receiver is activated."

Claim 16 is amended to correct the antecedent basis issue.

Claims 15-27 are amended to further define the "selection signal."

Claim 17 is amended to correct the antecedent basis issue.

As claim 22 recites "at least one other transmitter" it is clear that a separate transmitter is being claimed (see paragraph [0022] of the published US patent application).

Claim 24 is amended to correct the antecedent basis issue.

Claim 26 is amended to correctly recite “the power source.”

Claims 30, 32 and 33 are amended to correct the antecedent basis issues.

Claim 46 is amended to clarify the description of the claimed transmitter.

Claims 55 and 60 are amended to correct the antecedent basis issues.

Claim 66 is amended to correctly further define the claimed connectors.

As the pending claims are amended to address the rejections, Applicants respectfully submit that the amended claim more particularly points out and distinctly claims the subject matter regarded as the invention, thereby overcoming the rejections.

### **III. Claim Rejections on Prior Art Grounds**

Claims 1 and 8 are rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent 6,362,736 to Gehlot. The rejection is respectfully traversed.

Gehlot fails to disclose a method for protecting a commercial product against theft, in which a security unit has a monitoring mode in which theft protection is active, such that a theft attempt will cause the security unit to switch to an alarm mode in which at least one of an acoustic and optical alarm is activated, the method comprising...deactivating, in the monitoring mode, a receiver housed in the security unit outside of the commercial product, as recited in independent claim 1, or the similar feature of independent claim 8.

It is alleged in the Office Action that the personal electronic object 10 corresponds to the claimed “commercial product” and the GPS receiver 12 of Gehlot corresponds to the claimed “receiver” that is housed outside of the commercial product activated and deactivated. However, as clearly disclosed in Gehlo, the GPS receiver 12 is housed within the personal electronic object 10 (Fig. 1). For example, the GPS receiver 12 provides current location coordinates of the personal electronic object 10 “to provide a trail of the moving

object 10. Were the GPS receiver housed on the outside of the personal electronic object 10, the receiver 10 could easily be removed and tracking of the object 10 would be impossible.

As Gehlot fails to disclose or suggest each and every feature of the rejected claims, withdrawal of the rejection is respectfully requested.

Claims 1-5, 7-12, 14-16, 18, 19 21-64 and 66-68 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,910,768 to Ott in view of US Patent 5,955,948 to Howell and US Patent Application Publication 2001/0028295 to Brinkmeyer, et al. (Brinkmeyer). The rejection is respectfully traversed.

The combination of references fails to disclose or suggest all of the features of the rejected claims. For example, the combination of references fails to disclose or suggest, deactivating, in the monitoring mode, a receiver housed in the security unit outside of the commercial product, as recited in independent claim 1, or the similar feature of independent claims 8, 35 and 38.

It is admitted in the Office Action that Ott fails to disclose deactivating and activating a receiver as claimed. In an effort to overcome the admitted deficiencies, it is alleged that Howell teaches the admitted deficiency and that it would have been obvious to one of ordinary skill in the art, at the time of the invention to modify Ott to include the purse receiver means 40 of Howell, the purse receiver means 40 being alleged to correspond to the claimed "receiver."

However, Howell fails to disclose or suggest deactivating a receiver. Rather, Howell discloses receivers 40, 66 and transmitters 46, 72 (Figs. 3 and 4). According to the schematic diagrams of Figs. 3 and 4, only the transmitters 46 and 72 are provided with a separate control signal "TX Enable" that selectively enable and disables the transmitters 46, 72. Further, the "TX Enable" signals are shown to only control the operation of the transmitters 46,

72 during their active state. Also, as clearly shown in the schematic diagrams, the receivers 40, 66 have no control input for "enable signals" which would deactivate the receivers. On the contrary, for proper operation of the Howell device, it appears the receivers 40, 66 must be active at all times for the radio control procedure and alarm signals to work. Accordingly, Howell fails to disclose or suggest the feature as alleged in the Office Action.

In an effort to overcome the admitted deficiency of Ott of failing to disclose activating a receiver as claimed, it is alleged that would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of recovering a personal electronic object with the teachings of Brinkmeyer.

Brinkmeyer relates to an electronic vehicle key that has a radio receiver to receive radio call information from a control center to authorize use of the key for "debit" and "credit" events such as engine starting, door opening, refueling, and the like (paragraphs [0007]-[0010]). Thus, Brinkmeyer fails to disclose or suggest, or relate in any way, to a method of protecting a commercial product against theft comprising activating a receiver when the security unit is shifted to an alarm mode. Therefore, there is no motivation or suggestion to combine Brinkmeyer with Ott and Howell, or to modify the Ott as proposed in the Office Action.

As the combination of references fails to render the rejected claims obvious, withdrawal of the rejection is respectfully requested.

### **CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick, 41,018, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By \_\_\_\_\_

  
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